

DATE: February 25, 2016

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0004
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: Orange Dough, LLC
Location: 804 North Henry Street
(parcel address: 1125 Madison Street)
Zone: CRMUH/Commercial Residential Mixed Use (High) Zone

Request

Special Use Permit #2016-0004 is a minor amendment request to extend the hours of operation for a restaurant use to a daily closing time of 2 a.m. instead of the previously approved 12 midnight. No additional changes to the operation are proposed and the applicant intends to continue operating the dual donut bakery and speakeasy style restaurant under their respective trade names of Sugar Shack Donuts and Captain Gregory's.

Background

In January 2008, City Council approved DSUP #2007-0022 for construction of the subject property, a mixed-use residential and retail building with two floors of underground parking. However, the site remained undeveloped due to challenging economic conditions and was eventually purchased by a new developer. Under revised development plans City Council approved DSUP #2010-0028 in February 2011 which reduced the ground floor retail square footage, increased the residential square footage and open space, and approved a parking reduction. Under conditions in both iterations of the DSUP, city staff could administratively approve a ground floor restaurant use.

In April 2014, City Council approved SUP #2014-0014 for a restaurant use known as Lost Dog Café, and approved an amendment allowing off-premises alcohol sales. In August 2014, staff administratively approved SUP #2014-0076 which allowed the development of two new restaurant concepts, owned and operated by the same applicant, in a shared retail space of 2,122 square feet. The restaurant has two sections. One section, known as Sugar Shack Donuts, serves specialty donuts and coffee and operates from 6 a.m. to 9 p.m. The other section, known as Captain Gregory's, is a speakeasy and offers limited fare and mixed drinks from 5 p.m. to midnight.

In March 2015, city staff received several neighbor initiated complaints in regard to loud noises emanating from the restaurant space. Complaints alleged loud kitchen noises

including repeated mechanical pounding, loud machinery, and loud overnight staff arriving and departing from the restaurants between 2 a.m. – 4 a.m. During staff inspections the restaurant owner stated he was working with the landlord to address resident complaints and had modified food production to reduce mechanical noises which were a source of complaint. Since then, staff has not received any additional complaints.

Parking

The DSUP for the Bell Pre building, the subject site, provided 29 parking spaces for retail/commercial tenants within the below-grade parking garage. These parking spaces are located immediately adjacent to 41 residential visitor parking spaces, and the property owner may petition the Director of Planning & Zoning in the future to allow a portion of the residential visitor parking spaces to be used by commercial tenants pursuant to Condition #27A of the DSUP. According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant is required to provide one-off street parking space for every four seats. The applicant would be required to provide 17 parking spaces for their 65 seats in the shared retail parking in the garage. As the hours of operation for this use are typically later than other retail uses on site, staff feels the 29 shared parking spaces are adequate.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Braddock Metro Citizens Coalition and West Old Town Citizens Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

With the granting of this approval staff wishes to balance later operating hours and the applicant's opportunity to capture potential business growth, with sensitivity to the inherently residential context of the mixed-use building. Due to previous community generated noise complaints and concerns over the possibility of almost 24 hours of activity at the site, including early staff arrival for the bakery operations and late staff departure for restaurant operations, City Staff has approved a moderated extension of operating hours. Staff has amended Condition 4 to allow the applicant to remain open until 2 a.m. Thursday through Saturday and maintain the closing hour of 12 midnight Sunday through Wednesday.

Staff modified Condition 9 to include additional staff training on noise sensitivity as part of their work responsibilities to address potential community concerns over extended hours of operation. Staff also added Condition 21 requiring the applicant's staff to remind patrons to be sensitive of their noise levels as they exit the speakeasy. As patrons are escorted out of the speakeasy, which is a standard operating procedure for the restaurant, staff will provide a verbal reminder requesting minimal noise levels outside the premises where residents may be impacted by noise.

Staff has carried forward prior SUP conditions regulating the number of seats, delivery, entertainment, trash storage, litter removal, and other standard SUP conditions.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: February 25, 2016
Action: Approved



Alex Dambach, Division Chief

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2016-0004

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #2014-0076)
2. The maximum number of indoor seats at the restaurant shall be 65. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2014-0076)
3. The applicant shall post the hours of operation at the entrance to the business. (P&Z) (SUP #2014-0076)
4. **CONDITION AMENDED BY STAFF:** The hours of operation for the business shall be limited to 6 a.m. to 12 midnight, Sunday through Wednesday. Meals ordered before the 12 Midnight may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the 12 midnight, and all patrons must leave by 1 a.m. Thursday through Saturday, the hours of operation for the business shall be limited to 6 a.m. to 2 a.m. Meals ordered before 2 a.m. may be served, by no new patrons may be admitted and no alcoholic beverages may be served after 2 a.m., and all patrons must leave by 3 a.m. (P&Z) (SUP #2014-0076)
5. On premises alcohol service shall be permitted but no off-premises alcohol sales shall be allowed. (P&Z) (SUP #2014-0076)
6. No delivery service of food to customers shall be operated from the restaurant. (P&Z) (SUP #2014-0076)
7. No live entertainment shall be allowed inside the restaurant. Poetry readings shall not be considered as live entertainment for the purposes of this condition. (P&Z) (SUP #2014-0076)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2014-0076)
9. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to communicate as a minimum, on (a) how to prevent underage sales of alcohol, (b) reduction of noise to accommodate the unique aspects of operating within a residential building, (c) require employees to be sensitive to noise affecting residents (i.e. during shift changes and other outdoor activities in which unreasonable noise may carry and disrupt nearby residences). (P&Z) (SUP #2014-0076)

10. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES) (SUP #2014-0076)
11. The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (T&ES) (SUP #2014-0076)
12. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP #2014-0076)
13. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director. (T&ES) (SUP #2014-0076)
14. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (SUP #2014-0076)
15. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES) (SUP #2014-0076)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2014-0076)
17. The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services. (T&ES) (SUP #2014-0076)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES) (SUP #2014-0076)
19. No loading/unloading is permitted from North Henry Street. (T&ES) (SUP #2014-0076)
20. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions

which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed.

(P&Z) (SUP #2014-0076)

21. **CONDITION ADDED BY STAFF:** The applicant shall require staff to remind customers to respect residents of nearby residences by being quiet when leaving the premises.

CITY DEPARTMENT COMMENTS

Legend C – code requirement R – recommendation S – suggestion F - finding

Transportation & Environmental Services

F-1 T&ES has no objections to the proposed change, and requests that all previous T&ES conditions be carried forward.

City Code Requirements:

No comments included.

Health Department

No comments received.

Police

No comments received.

Recreation, Parks, and Cultural Activities

No comments received.

Fire Department

No comments or concerns.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0004. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurants at 804 North Henry Street.

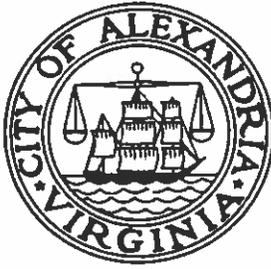


Applicant - Signature

2-26-16
Date

R Robert Krepich 
Applicant - Printed

2-26-16
Date



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the Special Use Permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2016-0004

Approved by Planning and Zoning: February 25, 2016

Permission is hereby granted to: Orange Dough, LLC

to use the premises located at: 804 North Henry Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

2/25/16

Date

KARL MORITZ / DM

Karl Moritz, Director

Department of Planning and Zoning